

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-AB8)

Received: 02/07/2011

Received By: gmalaise

Wanted: Today

Companion to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Eric Petersen

May Contact:

Drafter: gmalaise

Subject: Administrative Law

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Taylor@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Gubernatorial approval of proposed rules; exemptions for agencies headed by elected officials

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/07/2011	wjackson 02/07/2011		_____			
/1			phenry 02/08/2011	_____	sbasford 02/08/2011	sbasford 02/08/2011	

FE Sent For:

<END>

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/?	gmalaise	1 Wlj 2/7	2/8 ph	2/8 ph			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

Malaise, Gordon

From: Peterson, Eric
Sent: Monday, February 07, 2011 10:10 AM
To: Malaise, Gordon; Hurley, Peggy
Subject: RE: Drafting for Taylor - SS SB 8, SSA 1

CORRECTION - It appears we will take up SS AB 8 as passed by the Assembly. Please draft the below amendments to that version.

Thanks,

Eric M. Peterson

Chief of Staff -- Senator Lena C. Taylor
608-266-5810 o, 608-267-2353 f

From: Peterson, Eric
Sent: Monday, February 07, 2011 10:08 AM
To: Malaise, Gordon; Hurley, Peggy
Subject: Drafting for Taylor - SS SB 8, SSA 1

Gordon and/or Peggy,

Senator Taylor would like to order amendment drafts. I need three simples to SSA 1 to SS SB 8 - Admin Rules Bill

1. GUBERNATORIAL REVIEW - Keep current law for:

- Maintain current law for the following agencies and attached independent boards located in separate branches or headed by independently elected officials:

1. Director of State Courts
2. Wisconsin Judicial Commission
3. Department of Justice
 - a. Crime Victims Rights Board
 - b. Law Enforcement Standards Board
4. Department of Public Instruction
5. State Treasurer
6. Secretary of State
7. Legislature (I know that the Legislature doesn't currently have rulemaking authority, but please find a way to add them into ch. 227 current law provision so that it is included)

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa04834 G0498h
GMM:jld:jf

January 2011 Special Session

LN 2/7
Time 8:30 am

TWL

SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

Assembly
TO SENATE BILL 8

director of state courts, the judicial commission, the
crime victims rights board, the law enforcement standards
board, the office of the state treasurer, the office of the
secretary of state, the legislature, the department of justice,
or the department of public instruction prepares a statement
of the scope of a proposed rule, that agency

bill as shown by assembly

INVT
1-1
1
7

At the locations indicated, amend the substitute amendment as follows:

1. Page 8, line 28: delete "An" and substitute "Except as provided in sub. (2m).

an".

2. Page 9, line 18: after "rule" insert "to which this subsection applies".

3. Page 9, line 19: after that line insert:

"SECTION 4g. 227.135 (2m) of the statutes is created to read:

227.135 (2m) If the proposed rule interprets the provisions of a statute that
was enacted by passage of a bill over the governor's veto or by the governor's failure

to act on a bill, the agency shall present the statement to the individual or body with

policy-making powers over the subject matter of the proposed rule for approval. The

individual or body with policy-making powers may not approve the statement until

at least 10 days after publication of the statement under sub. (3). No state employee

drafted by the director of state courts, the judicial commission, the crime victims - 2 - rights board, the law enforcement standards board, the office of the state treasurer, the office of the secretary of state, the legislature, the department of justice, or the department of public instruction

Use 27

2011 - 2012 Legislature Jan. 2011 Spec. Sess. LR Ba0483/1 GMM:jld:jf

or official may perform any activity in connection with the drafting of a proposed rule to which this subsection applies except for an activity necessary to prepare the statement of the scope of the proposed rule until the individual or body with policy-making powers approves the statement."

4. Page 10, line 20: after "register." insert "If a statement of the scope of a proposed rule is presented to the individual or body with policy-making powers over the subject matter of the proposed rule under sub. (2m), the agency presenting the statement shall send the statement to the legislative reference bureau for publication in the register."

5. Page 9, line 25: after "(2)" insert "or (2m)".

6. Page 10, line 1: after "(2)" insert "or under subs. (1) and (2m)".

7. Page 15, line 21: delete "After" and substitute "Except as provided in this section, after".

8. Page 16, line 8: after "writing." insert "This section does not apply to a proposed rule that interprets the provisions of a statute that was enacted by passage of a bill over the governor's veto or by the governor's failure to act on a bill."

9. Page 26, line 21: delete "Submit" and substitute "Except as provided in this subdivision, submit".

10. Page 26, line M: after "writing." insert "This subdivision does not apply to a proposed emergency rule that interprets the provisions of a statute that was enacted by passage of a bill over the governor's veto or by the governor's failure to act on a bill."

11. Page 28, line 6: delete "GUBERNATORIAL" and substitute "ADMINISTRATIVE".

Use 27

Page 26, line 14: after (2) insert or (2m)

5/7

1

↓ **12.** Page 28, line ²³ 1; after "(2)," insert "(2m),".

2

(END)

Page 28, line 22: after "sections" insert "227.01 (1)"

Insert 1-1

before

insert

Page 7, line 10 delete that line and insert:
Section #. 227.01 (1) of the statutes is amended to read:

including the legislature and the courts, but not including

227.01 (1) "Agency" means a board, commission, committee, department or officer in the state government, ~~except~~ the governor, a district attorney or a military or judicial officer. "

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237; 1999 a. 9, 70; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 38, 109; 2003 a. 33 ss. 2364, 2813; 2005 a. 217, 418; 2007 a. 20; 2009 a. 2, 28, 219, 391.

Page 7, line 1: delete "SECTION 1" and substitute "SECTION 1m"

~~SECTION 1m. (R; RR to (2m))~~

* (RAT A - T)